

TRANSMITTAL LETTER			Case No. 56/417
Serial No. 0/669,149	Filing Date September 23, 2003	Examiner Unassigned	Group Art Unit Unassigned
Inventor(s) Erich Strasser			
Title of Invention POSITION MEASURING INSTRUMENT			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Information Disclosure Statement; PTO 1449 along with four (4) cited references; Postcard Evidencing Receipt.

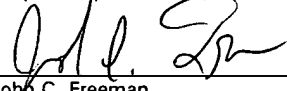
- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9 =			x \$18 =	
x 43 =			x \$86 =	
+ \$145 =			+ \$290 =	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
John C. Freeman  
Registration No. 34,483  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

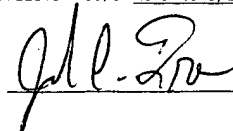
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 5, 2003.

Date:

November 5, 2003

Signature:





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Commissioner for Patents, P.O. Box 1450  
Alexandria, VA 22313-1450 on November 5, 2003

Name of Registered Representative:

John C. Freeman, Reg. No. 34,483

November 5, 2003  
Date of Signature

PATENT  
CASE NO. 56/417

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Erich Strasser )  
) Group Art Unit: unassigned  
Serial No.: 10/669,149 )  
) Examiner: unassigned  
Filed: September 23, 2003 )  
)  
For: POSITION MEASURING )  
INSTRUMENT )

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicant hereby submits the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

## **I. DISCLOSURE**

### **A. U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
5,252,825	Imai et al.	10/12/93
6,452,159 B2	Holzapfel et al.	09/17/02

### **B. Foreign Patents**

<b><u>Reference No.</u></b>	<b><u>Country</u></b>	<b><u>Pub. Date</u></b>
41 23 722 A1	Germany	01/23/92
1 111 345 A2	EP	06/27/01

## **II. DISCUSSION**

### **A. German Reference No. 41 23 722**

The pertinence of the '722 reference is discussed in paragraphs 0007-0009 and 0031 of the present application. Based solely on the drawings and the attached English-language Abstract, the '722 reference appears to disclose a single-track absolute value pattern being fitted on a code plate with two incremental patterns. It is believed that U.S. Patent No. 5,252,825 correspond to the '722 reference.

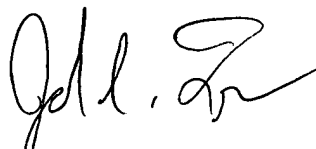
### **B. European Reference No. 1 111 345**

The pertinence of the '345 reference is discussed in paragraph 0009 of the present application. Based solely on the drawings and the attached English-language Abstract, the '345 reference appears to disclose a rule with a trace having two different division periods. An absolute trace is arranged next to the incremental trace. It is believed that U.S. Patent No. 6,452,159 correspond to the '345 reference.

### III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicant wishes to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicant's desire, however, to have these references available in the record for both the Examiner and the public to see. Applicant therefore requests that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

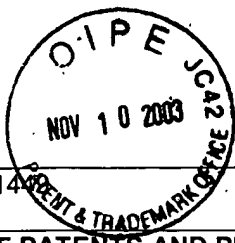
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John C. Freeman', written in a cursive style.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicant

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: November 5, 2003



FORM PTO-1449	SERIAL NO. 10/669,149	CASE NO. 56/417
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE September 23, 2003	GROUP ART UNIT Unassigned
APPLICANT(S): Erich Strasser		

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	5,252,825	10/12/93	Imai et al.		
	A2	6,452,159 B2	09/17/02	Holzapfel et al.		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A3	41 23 722 A1	01/23/92	Germany		Yes
	A4	1 111 345 A2	06/27/01	EP		Yes

EXAMINER  
INITIAL

## OTHER ART – NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.